



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: James D. Pylant et al.

Group Art Unit: 3677

Serial No.: 10/620,282

Examiner: Jack Lavinder

Filing Date: July 14, 2003

Attorney Docket: PI-015

Title: **BARE DIE TRAY CLIP**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

**PETITION TRAVERSING ELECTION OF SPECIES
REQUIREMENT UNDER 37 CFR 1.477**

Applicants hereby request the Technology Center Director to overturn the Restriction Requirement made final by the Examiner in the above-identified application on December 1, 2005. The Commissioner is authorized to charge the Petition Fee of \$130 to Deposit Account 50-2991.

On June 7, 2005 the Examiner issued a restriction requirement between the apparatus and method claims. Applicants elected to prosecute the apparatus claims without traverse. Concurrently, the Examiner issued an Election of Species Requirement on the Apparatus claims: Claims 1- 13, 16 -22, 24, 25, and

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27 -33. In the Office Action of December 1, 2005, the Examiner identified the following four different species:

- 1) Species #1: Figures 5 -7. Figures 5 and 7 are reproduced below.

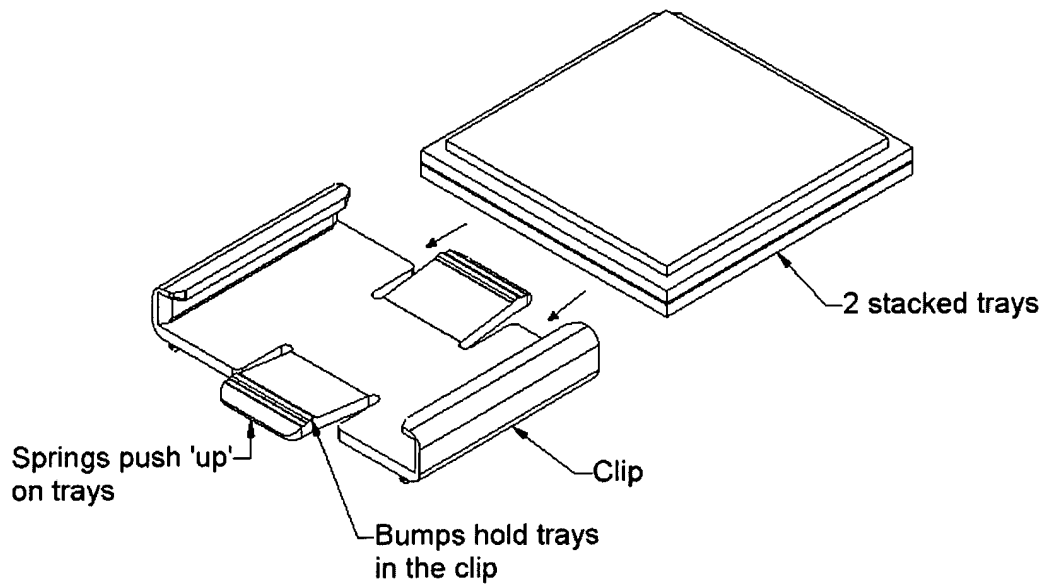


Figure 5 is shown above.

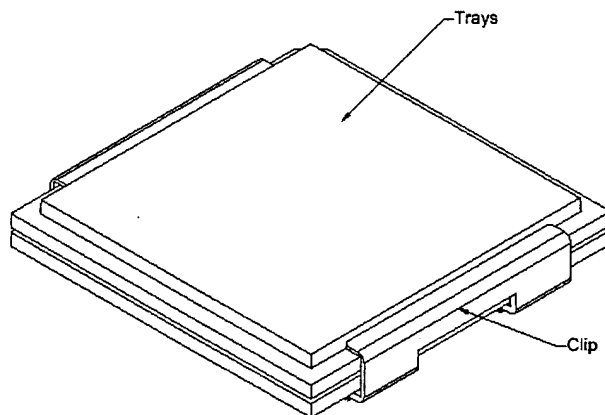
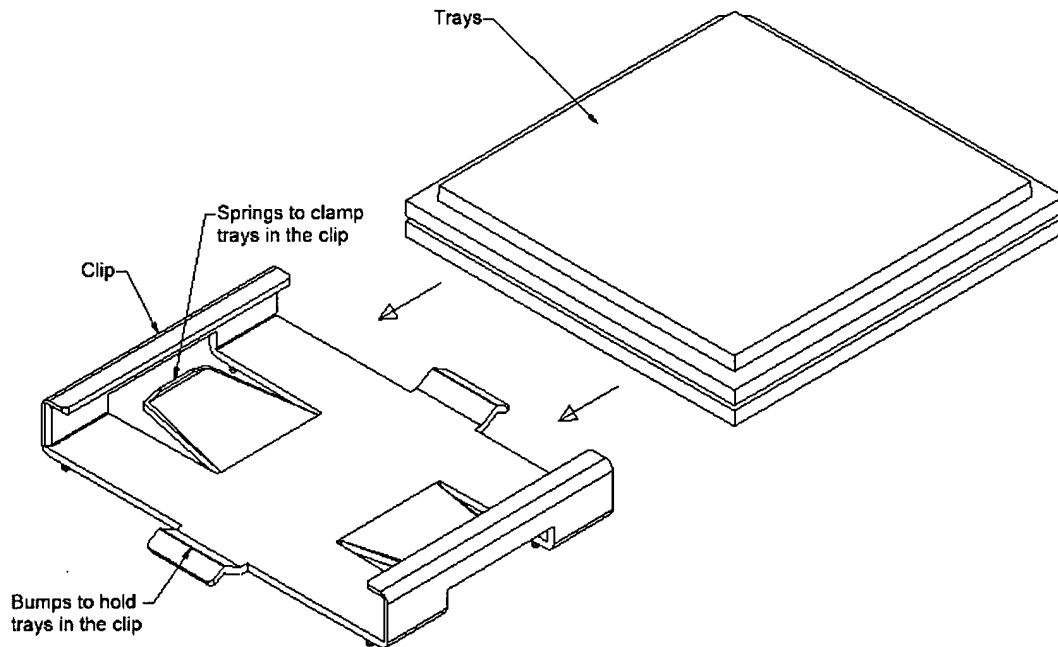


Figure 7

- 2) Species #2: Figure 8, shown in the Appendix;
- 2) Species #3: Figure 9, shown in the Appendix; and
- 3) Species #4: Figure 10, which is reproduced below.



Applicants traversed and requested reconsideration of this Election of Species Requirement in the Amendment filed on September 9, 2005.

In the Office Action dated December 1, 2005, the Examiner made the Election of Species Requirement final. The Examiner stated “there is a considerable burden on the examiner to search all of the claimed species”.

Applicants request the Director to withdraw the Election of Species Requirement for the reasons set forth below.

First, all of the species are classified in Class 206. The Examiner could easily search the same subclasses for art that would be relevant to each species.

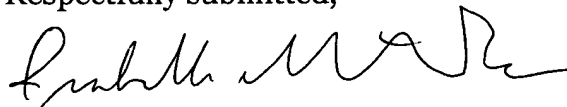
Second, each of Species #1 - #4 operates in similar manner by using pressure members to apply pressure to a portion of the perimeter of a tray. In Fig. 1, pressure members 68, 70 apply an upward force to a portion of the perimeter of the tray. In Fig. 8, pressure member 78 applies the upward force to a portion of the perimeter of the tray. In Fig. 9, the pressure member, 86, also applies an upward force to the tray. While in Fig. 10, pressure members 90, 92 apply an upward force to a portion of the perimeter of the tray.

Third, each of the apparatuses share common design features. For example, the channel in Species #1, 3, and 4 includes a slit between the base and a side of a pressure member.

Fourth, all of the Species function as a unitary clip to clamp together a stack of trays between protrusions and pressure members. An upward force relative to the base is applied by the pressure members to the stack in each species as well.

Since all of the apparatuses overlap in design, function and operation, it is submitted that requiring an Election of Species is improper. Moreover, since all of the claims are classified in the same class, it would be fairly easy for the Examiner to examine all of the apparatus claims together. Accordingly, the Director is requested to withdraw the Election of Species Requirement and permit the examination of all of the Apparatus claims together.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Isabelle R. McAndrews', written in a cursive style.

Isabelle R. McAndrews
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Registration No. 34,998



APPENDIX

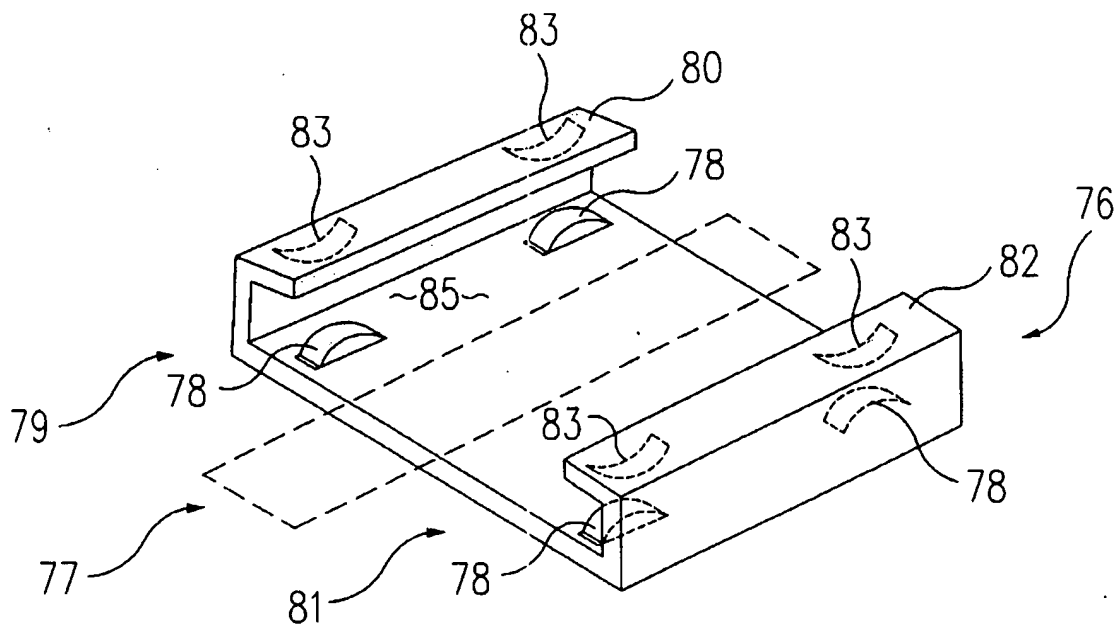


FIG. 8

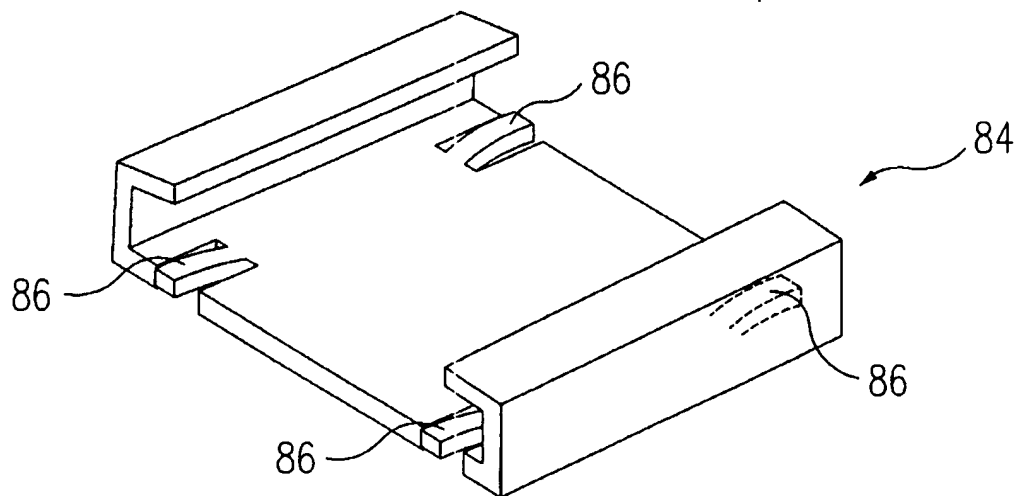


FIG. 9